

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
Addendum to Final Statement of Reasons for Regulatory Action
Amend Section 632
Title 14, California Code of Regulations
Re: Morro Bay State Marine Recreational Management Area
and Dana Point State Marine Park

Subsection 632(B)(51), Morro Bay State Marine Recreational Management Area

The meaning of harbor operations and maintenance is found in the Harbors and Navigation Code. The proposed changes to the regulations clarify that the MPA is not intended to attempt to regulate an operation regulated by other entities; and hence state that these activities are allowed "pursuant to required and valid permits and approvals."

The Commission adopted the proposed change to allow harbor dredging, and maintenance and cleaning of vessel hulls and man-made structures, in Morro Bay State Marine Recreational Management Area.

The following non-substantive change was also made:
A period was added to the end of the sentence in subsection 632(b)(51)(C)1.

Subsection 632(B)(30), Elkhorn Slough State Marine Reserve

At the November 14, 2008 meeting, Commissioners emphasized that the intent of this rulemaking was to make clarifications and/or technical changes only. The change to the boundary at Elkhorn Slough State Marine Reserve (SMR) was originally thought to be a technical change. However, after considering all the public testimony and upon review of the Commission's 2007 action to establish this SMR, the Commission decided that this change was not solely a clarification or technical change. The Commissioners expressed that at some time in the future, they might re-visit this matter, but that this is not the appropriate time to make this type of change. Therefore, The Commission did not adopt the proposed change to the northern boundary coordinate in the Elkhorn Slough State Marine Reserve.

Subsection 632(b)(89) Dana Point State Marine Conservation Area

In OAL File 06-0925-01s, Dana Point State Marine Park was changed to Dana Point State Marine Conservation Area. Although the change was clearly reflected in the title of subsection 632(b)(89) [then 632(b)(72)], it was not properly reflected in the subsections.

The Commission adopted the proposed correction to the designation at Dana Point State Marine Conservation Area.

The following non-substantive changes were also made:
References to subsections 632(b)(88)(B) and 632(b)(88)(C) which were listed in subsection 632(b)(89)(F) were changed to 632(b)(89)(B) and 632(b)(89)(C) to reflect the proper section.